

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Jessica Lynne Preston,

Plaintiff,

Case No. 18-12158

v.

Judith E. Levy

United States District Judge

County of Macomb et al.,

Mag. Judge Elizabeth A. Stafford

Defendants.

_____/

**ORDER GRANTING PLAINTIFF’S MOTION TO EXTEND
COMPLETION OF EXPERT DISCOVERY [92]**

Before the Court is Plaintiff’s motion to extend time for the completion of expert discovery. (ECF No. 92.) Plaintiff seeks an extension of the current July 14, 2021 expert discovery deadline (*see* ECF No. 90) by 30 days to allow for the scheduling of the deposition of Defendant Correct Care Solutions, LLC (“CCS”) expert, Kathryn Wild, RN. (ECF No. 92, PageID.1252.) Defendant County of Macomb and Defendant CCS do not object to Plaintiff’s request for an extension so long as the dispositive motion deadline is correspondingly reset to a date 30 days after any discovery extension. (ECF Nos. 93, 96.)

Federal Rule of Civil Procedure 16(b)(4) permits modification to the scheduling order “only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The Sixth Circuit has indicated that the primary measure of this good cause standard is the moving party’s diligence in attempting to meet the case management order’s requirements as well as possible prejudice to the party opposing the modification. *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002).

Here, Plaintiff has offered evidence of the parties’ discussions in the approximately two weeks before the July 14, 2021 deadline regarding whether depositions of Defendant CCS’ experts could occur before that date. (*See* ECF Nos. 92-2, 92-3, 92-4.) Plaintiff’s motion to extend the time for completion of expert discovery was filed on July 12, 2021 (ECF No. 92), two days before the current deadline for completion of expert discovery set forth in the governing Third Amended Scheduling Order. (ECF No. 90.) Additionally, Defendant CCS and Defendant County of Macomb have indicated their lack of objection to a 30-day extension of time for expert discovery completion if the Court agrees to also extend the dispositive motion date, suggesting there are no parties opposing the modification here. (ECF Nos. 93, 96.) Accordingly, the Court finds that

there is good cause for modification to the Third Amended Scheduling Order and consents to Plaintiff's extension of time for completion of expert discovery as well as Defendants' extension of time for dispositive motions to be filed.

Plaintiff's motion to extend time for the completion of expert discovery is **GRANTED**. Expert discovery is to be completed by **August 13, 2021**. Dispositive motions are to be filed by **September 13, 2021**. All other deadlines set forth in the Third Amended Scheduling Order (ECF No. 90) remain unchanged.

IT IS SO ORDERED.

Dated: July 22, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 22, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager